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STATUTORY INSTRUMENTS

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2014 No.

**LOCAL GOVERNMENT, ENGLAND**

**TRANSPORT, ENGLAND**

**The Nottingham and Nottinghamshire Combined  
Authority Order 2014**

*Made*

*Coming into*

*force in accordance with article 1*

This Order is made in exercise of the powers conferred by sections 84, 91 and 93 of the Local Transport Act 2008(a) and sections 103 to 105 and 114 to 116 of the Local Democracy, Economic Development and Construction Act 2009(b) [and sections 15 to 19 of the Localism Act 2011].

The Secretary of State, having regard to a scheme prepared and published under section 109 of the Local Democracy, Economic Development and Construction Act 2009, considers that the making of this Order is likely to improve-

- (a) the exercise of statutory functions relating to transport in the area to which this Order relates,
- (b) the effectiveness and efficiency of transport in that area,
- (c) the exercise of statutory functions relating to economic development and regeneration in that area, and
- (d) economic conditions in that area.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the Local Democracy, Economic Development and Construction Act 2009.

The Secretary of State has consulted-

- (a) the councils for the area
- (b) such other persons as the Secretary of State considered appropriate.

The councils whose areas are comprised in the area have consented to the making of this Order.

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(a) 2008 c.26.  
(b) 2009 c.20.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

## **PART 1**

### **General**

#### **Citation and commencement**

1. This Order may be cited as the Nottingham and Nottinghamshire Combined Authority Order 2014 and shall come into force on the day after the day on which it is made.

#### **Interpretation**

2. In this Order-

"the 2009 Act" means the Local Democracy, Economic Development and Construction Act 2009;

"combined area" means the area consisting of the areas of the constituent councils;

"the Combined Authority" means the Nottingham and Nottinghamshire Combined Authority constituted by article 3;

"commencement date" means the date on which this Order comes into force;

"constituent councils" means-

- (a) Nottingham City Council
- (b) Nottingham County Council
- (c) Ashfield District Council,
- (d) Bassetlaw District, Council,
- (e) Broxtowe Borough Council,
- (f) Gedling Borough Council,
- (g) Mansfield District Council,
- (h) Newark & Sherwood District Council and
- (i) Rushcliffe Borough Council

The Nottinghamshire County Council; and ;

(c) financial year" means the period of 12 months ending with 31st March in any year;

"non-constituent councils" means-

(a) [?]; and

[?]

"transferring body" means any organisation from whom functions are transferred to the Combined Authority by this Order of the Secretary of State or by arrangements made by the Local Government Act 1972 and Local Government Act 2000

## **PART 2**

### **Establishment of a combined authority for Nottingham and Nottinghamshire**

#### **Establishment**

3.-(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and to be known as the Nottingham and Nottinghamshire Combined Authority.

(3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

#### **Constitution**

4. Schedule I (which makes provision about the constitution of the Combined Authority) has effect.

#### **Funding**

5.-(1) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (1) between the constituent councils in such proportions as they may agree, or in default of agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Registrar General.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the current financial year.

## **PART 3**

### **Transport**

#### **Adaptation of enactments**

6.-(1) In any enactment (whenever passed or made)-

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(2) In any enactment (whenever passed or made)-

- (a) any reference to an integrated transport authority; or
  - (b) any reference which falls to be read as a reference to such an authority,
- is to be treated as including a reference to the Combined Authority.

#### **Continuity**

7(1) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which-

- (a) relates to any of the functions, property, rights or liabilities transferred to the Combined Authority; and
- (2) Anything which-
  - (a) was made or done by or for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred; and
  - (b) is in effect immediately before the transfer takes effect,
 has effect as if made or done by or in relation to the Combined Authority.
- (3) The Combined Authority shall be substituted for the transferring body in any instruments, contracts or legal proceedings which
  - (a) relate to any of the functions, property, rights or liabilities transferred; and
  - (b) are made or commenced before the transfer takes effect.
- (4) A reference in this article to anything made or done by or in relation to a transferring body includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the transferring body.

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- (a) S.I. 1973/1728.
  - (b) 1972 c. 70.
  - (c) 1988 c.41; section 74 was amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 72; the Local Government (Wales) Act 1994 (c. 19), Schedule 6, paragraph 21; the Environment Act 1995 (c. 25), Schedule 24; the Greater London Authority Act 1999 (c. 29) section 105; the Courts Act 2003 (c. 39), Schedule 8, paragraph 305(a); the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 68; the Local Government and Involvement in Public Health Act 2007 (c. 28), Schedule 1, paragraph 16; the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 6, paragraphs 74 and 75 and Schedule 7, Part 4; the Police Reform and Social Responsibility Act 2011 (c. 13), Schedule 16, paragraph 182(a); the Localism Act 2011 (c. 20), Schedule 7, paragraphs 1, 2; and by S.J. 1994/2825.
  - (d) S.I. 1992/2789, amended by S.I. 2012/213.

## PART4

### Additional functions

#### Economic development and regeneration functions

8-(1) The functions of the constituent councils and other functions set out in Schedule 2 to this Order are exercisable by the Combined Authority in relation to its area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

#### Incidental provisions

9. The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of these provisions-

- (a) section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc relating to the functions of the authority); and
- (b) section 222 of the Local Government Act 1972 (the power to prosecute and defend legal proceedings).

10-(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985(a) (research and collection of information) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 shall have effect as if a reference to "that area" were a reference to the combined area.

11. Section 13 of the Local Government and Housing Act 1989(b) (voting rights of members of certain committees) shall have effect as if-

- (a) in subsection (4) after paragraph (h) there were inserted-
  - "(i) subject to subsection (4A), a committee appointed by the Nottingham and Nottinghamshire Combined Authority;"; and
- (b) after subsection (4) there were inserted-
  - "(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person-
  - (a) is a member of one of the constituent councils as defined by article 2 of the Nottingham and Nottinghamshire Combined Authority Order 2014; or
  - (b) is given voting rights by resolution of the Combined Authority in accordance with paragraph 4(6) of Schedule 1 to that Order."

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(a) 1985 c.51.

(b) 1989 c.42.

(c) S.I. 2013/2356; there are no relevant amendments.

- 12 (1) The Local Government Pension Scheme Regulations 2013 are amended as follows.
- (2) In Part 1 of Schedule 2 (Scheme employers) at the end insert-

"25. City of Nottingham and Nottinghamshire Combined Authority established by the Nottingham and Nottinghamshire Combined Authority Order 2014(a)."

- (3) In Part 1 of Schedule 3 (pension funds) at the end insert-

"(z) the Nottingham and Nottinghamshire Combined Authority established by the Nottingham and Nottinghamshire Combined Authority Order 2014."

Signed on behalf of the Secretary of State for Communities and Local Government

31st March 2014

## SCHEDULE 1

Article 4

### Constitution

#### **Membership**

**1.** (1) Each constituent council shall appoint one of its elected members to be a member of the Combined Authority.

(2) Each constituent council shall appoint another of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (1) ("the substitute member").

At the request of the Combined Authority another body may nominate one of the members, officers or employees to act as a co-opted member of the Combined Authorities and another to act as a co-opted member of the Combined Authority in the absence of the first nominated co-opted member (the substitute co-opted member").

- (6) For the purposes of this Schedule any reference to a member is to be treated as including a reference to a co-opted member. ]
- (7) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member or employee or officer (as the case may be) of-
- (a) the constituent council that appointed them; or
  - [ (b) the body which nominated them for co-option
- 12 A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the constituent council that appointed them or, as the case may be, the nominated representative of the organization from wholly they were co-opted.
- (8) Where a member or substitute member's appointment ceases by virtue of sub-paragraph (7) or (8)-
- (a) the constituent council that made the appointment shall, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person's place;
  - [(b) the co-opting body shall as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person's place.]
- (10) A constituent council or nominating body may at any time terminate the appointment of a member or substitute member appointed by it, or co-opted (as the case may be) to the Combined Authority and appoint another one of its elected members (in the case of a combined Council, or a member, officer or employee in the case of a nominating body) in that person's place.
- (11) Where a constituent council or nominating body exercises its power under sub-paragraph (10), it shall give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.
- (12) The Combined Authority shall appoint a member nominated under sub-paragraph (9)(b) at the next meeting of the Combined Authority.
- (13) For the purposes of this paragraph, an elected mayor of a constituent council is to be treated as a member of the constituent council.

#### **Chairman and vice-chairman**

2.-(1) The Combined Authority must in each year appoint a chairman and a vice-chairman from among its members and the appointments are to be the first business transacted after the appointment of members of the Combined Authority, at the first meeting of the Combined Authority, and in subsequent years at the annual meeting of the Combined Authority.



(2) A person ceases to be chairman or vice-chairman of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chairman or vice-chairman, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

#### Proceedings

3.-(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) No business shall be transacted at a meeting of the Combined Authority unless at least two members or substitute members appointed by the constituent authorities are present at the meeting.

(3) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(4) If a vote is tied on any matter it shall be deemed not to have been carried.

[5] Co-opted members shall be non-voting members of the Combined Authority.]

(6) Questions relating to the following matters require a unanimous vote in favour by all nine constituent council members, or substitute members acting in place of those members, to be carried-

- (a) adoption of any strategic growth plan as provided for in the Combined Authority's standing orders;
- (b) adoption of any local transport plan under section 108(3) of the Transport Act 2000;
- (c) approval of the Combined Authority's annual budget;
- (d) setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with regulations made thereunder;
- (e) allocation of local transport plan funding to the individual constituent authorities;
- (f) adoption of Strategic Plans;
- (g) approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of the Combined Authority; and
- (h) such other plans and strategies as may be determined by the Combined Authority and set out in its standing orders.

(7) The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

#### Committees

4.-(1) The Combined Authority may appoint one or more committees, as it sees fit for the purpose of carrying out and reviewing its functions.

(2) Any committee appointed by the Combined Authority may appoint one or more sub-committees, as it sees fit, for the purposes of carrying out and reviewing its functions.

## **Records**

5.-(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine. -

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting

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(a) 2000 c. 22. Sections 9FG and 9GA were inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

#### Standing orders

6. The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

#### Remuneration

7. No remuneration is to be payable by the Combined Authority to its members.

## SCHEDULE 2

Article 6, 8 and 9

### Transport and Economic development and regeneration functions

1. Such functions of the constituent authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under section 1 of the Localism Act 2011(a).

2. The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities).

3. The duties under sections 15ZA, 15ZB, 15ZC, 17A and 18A(l)(b), of the Education Act 1996(b) and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).

4. The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

5. The functions of a local transport authority

6. The functions of a Passenger Transport Executive

7. Functions in respect of further education, provision, co-ordination and funding.

8. Functions in respect of the provision and findings of housing in the area of the Combined Authority.

9. Functions in respect of provision, co-ordination and funding of initiatives for increasing employment and improving skills.

10. Functions in respect of the provision of support and funding for local business initiatives in the area of the Combined Authority.

11. The duty under Section 8 (i) of the Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation).

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(a) 201  
I  
c.2  
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(b) 1996 c.56. Sections 15ZA, 15ZB, 15ZC, 17A, 18A, 514A and 560A were inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), sections 41, 42, 45 to 48 and by S.I. 2010/11158. Sections 17A and 18A were also amended by the Education Act 2011 (c. 21), sections 30 and 82.